Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 1 of 11

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s)	: Deborah L McCallam	Case No:	17-61800
This plan, dated No.	ovember 7, 2017 , is:		
*	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the □confirmed or vunconfirmed Plan dated 10/3/2017.		
	Date and Time of Modified Plan Confirming Hearing: January 11, 2018 @ 9:30am Place of Modified Plan Confirmation Hearing: 255 W. Main St., Room 200, Charlottesville, VA 22902		
The 1, 4	Plan provisions modified by this filing are:		
Cred	itors affected by this modification are:		

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$219,443.58

Total Non-Priority Unsecured Debt: \$651.58

Total Priority Debt: **\$0.00**Total Secured Debt: **\$66,562.32**

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 2 of 11

- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$100.00 Monthly for 6 months, then \$359.05 Monthly for 54 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 19,988.70 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$_3,500.00 balance due of the total fee of \$_4,000.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u> <u>Type of Priority</u> <u>Estimated Claim</u> <u>Payment and Term</u>

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u> -NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 3 of 11

C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

<u>Creditor</u> <u>Collateral Description</u> <u>Adeq. Protection</u> <u>Monthly Payment</u> <u>To Be Paid By</u>

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or <u>Interest</u> <u>Collateral</u> <u>"Crammed Down" Value"</u> Rate <u>Monthly Paymt & Est. Term**</u>

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately __100__ %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately __100__ %.
- B. Separately classified unsecured claims.

<u>Creditor</u> <u>Basis for Classification</u> <u>Treatment</u>

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 4 of 11

- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
<u>Creditor</u>	<u>Collateral</u>	Payment	<u>Arrearage</u>	Rate	Cure Period	Payment
M&T Bank	10800 Settle School Rd	604.46	13,837.14	0%	43 months	Prorata
	Rixeyville, VA 22737 Culpeper					
	County					

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
<u>Creditor</u>	<u>Collateral</u>	Payment	Arrearage Rate	<u>Arrearage</u>	Payment
NONE					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
<u>Creditor</u>	Collateral	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u> <u>Type of Contract</u>

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

-NONE-	Type of Contract	Arrearage	for Arrears	Cure Feriou
Creditor	Type of Contract	Arrogrago	Payment	Estimated Cure Period

Monthly

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 5 of 11

7. Liens Which Debtor(s) Seek t	. to A	Avoia.
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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

8. Treatment and Payment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
- The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Signatures:		
Dated: November 7, 2017		
/s/ Deborah L McCallam	/s/ Jeremy Huang	
Deborah L McCallam	Jeremy Huang 76861	
Debtor	Debtor's Attorney	

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 6 of 11

Certificate of Service

I certify that on November 30, 2017, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Jeremy Huang
Jeremy Huang 76861
Signature

10615 Judicial Dr Suite 102 Fairfax, VA 22030 Address

7037550214

Telephone No.

Ver. 09/17/09 [effective 12/01/09]

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 7 of 11

Fill	in this information to identify your c	ase:								
Del	otor 1 Deborah L I	/IcCallam								
	otor 2 ouse, if filing)									
Uni	ted States Bankruptcy Court for the	: WESTERN DISTRICT	OF VIRGINIA							
Cas	se number 17-61800					Ch	eck if this is:			
(If kr	nown)						An amende	d filing		
									ing postpetition c following date:	hapter
0	fficial Form 106l						MM / DD/ Y	YYY		
S	chedule I: Your Inc	ome								12/15
atta	use. If you are separated and you ch a separate sheet to this form. The describe Employment Fill in your employment									
١.	information.		Debtor 1				Debtor 2	or non	-filing spouse	
	If you have more than one job,	Employment status	■ Employed				■ Emplo	oyed		
	attach a separate page with information about additional	Employment status	□ Not employed				☐ Not e	mployed		
	employers.	Occupation	Baker				Plumbe	er		
	Include part-time, seasonal, or self-employed work.	Employer's name	Target				Fauqier	Count	у	
	Occupation may include student or homemaker, if it applies.	Employer's address	99 Sowder Villa Manassas, VA		are		320 Hos Warren			
		How long employed t	here? 8 year	S			1	.5 year	s	
Pai	t 2: Give Details About Mo	nthly Income								
	mate monthly income as of the duse unless you are separated.	ate you file this form. If	you have nothing to	report for	any lii	ne, wi	ite \$0 in the	space. I	nclude your non-	filing
-	u or your non-filing spouse have meespace, attach a separate sheet to		ombine the information	on for all e	emplo	yers f	or that perso	n on the	lines below. If yo	ou need
						For D	ebtor 1		ebtor 2 or iling spouse	
2.	List monthly gross wages, sala deductions). If not paid monthly,			2.	\$_		1,765.64	\$	4,127.02	
3.	Estimate and list monthly overt	ime pay.		3.	+\$_		0.00	+\$_	0.00	

1,765.64

4,127.02

4. Calculate gross Income. Add line 2 + line 3.

Debtor	1	Deborah L McCallam		Case	number (if known)	17-618)0		
_	.	vellere 4 hours	4		Debtor 1	For De	ing sp	ouse	
	op	y line 4 here	4.	\$	1,765.64	\$	4,1	27.02	_
5. L	ist	all payroll deductions:							
5	a. b.	Tax, Medicare, and Social Security deductions Mandatory contributions for retirement plans	5a. 5b.	\$ \$	305.24 0.00	\$ \$	2	06.39 200.14	_
5	c. d. e.	Voluntary contributions for retirement plans Required repayments of retirement fund loans Insurance	5c. 5d. 5e.	\$_ \$_	0.00 0.00 0.00	\$ 		98.65 0.00 20.82	_
5	f. g.	Domestic support obligations Union dues	5f.	\$ \$	0.00	\$ 		0.00	_
	y. h.	Other deductions. Specify:	5g. _ 5h.+	· · · · · ·	0.00	+ \$		36.55 0.00	_
6. A	۸dd	the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	\$	305.24	\$	2,3	62.55	_
7. C	alc	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	\$	1,460.40	\$	1,7	64.47	_
	i st a.	all other income regularly received: Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a.	\$	0.00	\$		0.00	
8	b.	Interest and dividends	8b.	\$	0.00	\$		0.00	_
8	C.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c.	\$	0.00	\$		0.00	
8	d.	Unemployment compensation	8d.	\$	0.00	\$		0.00	_
	e.	Social Security	8e.	\$	0.00	\$		0.00	_
8	f.	Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	8f.	\$	0.00	\$		0.00	
8	g.	Pension or retirement income	_ 8g.	\$	0.00	\$		0.00	_
8	h.	Other monthly income. Specify:	8h.+	- \$	0.00	+ \$		0.00	_
9. A	۸dd	l all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	0.00	\$		0.0	0
10. C	alc	culate monthly income. Add line 7 + line 9.	0. \$		1,460.40 + \$	1,764	.47	= \$	3,224.87
Α	dd	the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.							
lr O D	nclu the Oo r	te all other regular contributions to the expenses that you list in Schedule and contributions from an unmarried partner, members of your household, your or friends or relatives. not include any amounts already included in lines 2-10 or amounts that are not a cify:	depen		•		edule 11.		0.00
V	Vrit	I the amount in the last column of line 10 to the amount in line 11. The result that amount on the Summary of Schedules and Statistical Summary of Certain lies					12.	\$	3,224.87
13. Г)o v	you expect an increase or decrease within the year after you file this form?	•					Combi monthl	ned ly income
	 	No.							

Official Form 106I Schedule I: Your Income page 2

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 9 of 11

Fill	in this information to identify your case:				
Deb	otor 1 Deborah L McCallam		Chec	k if this is:	
				An amended filing	
	ouse, if filing)				ving postpetition chapter the following date:
(Spi	ouse, ii ming)			is expenses as or	the following date.
Unit	ted States Bankruptcy Court for the: WESTERN DISTRICT OF VIRGIN	IA	Ī	MM / DD / YYYY	
	enumber 17-61800 nown)				
	fficial Form 106J				
S	chedule J: Your Expenses				12/1
info	as complete and accurate as possible. If two married people are primation. If more space is needed, attach another sheet to this fumber (if known). Answer every question.				
Par 1.	t 1: Describe Your Household Is this a joint case?				
	■ No. Go to line 2. □ Yes. Does Debtor 2 live in a separate household?				
	☐ No ☐ Yes. Debtor 2 must file Official Form 106J-2, <i>Expenses</i>	for Separate Househol	<i>ld</i> of Debt	or 2.	
2.	Do you have dependents? ☐ No				
	Do not list Debtor 1 and Debtor 2. Fill out this information for each dependent	Dependent's relations Debtor 1 or Debtor 2	ship to	Dependent's age	Does dependent live with you?
	Do not state the				□ No
	dependents names.	Daughter		20	■ Yes
					□ No
					☐ Yes
					□ No
					Yes
					□ No
2	Do your expenses include				☐ Yes
3.	Do your expenses include expenses of people other than yourself and your dependents?				
exp	Estimate Your Ongoing Monthly Expenses timate your expenses as of your bankruptcy filing date unless yourness as of a date after the bankruptcy is filed. If this is a supplibilicable date.				
the	lude expenses paid for with non-cash government assistance if value of such assistance and have included it on Schedule I: Yoficial Form 106I.)			Your exp	enses
4.	The rental or home ownership expenses for your residence. In payments and any rent for the ground or lot.	nclude first mortgage	4. \$		714.46
	If not included in line 4:				
	4a. Real estate taxes		4a. \$		0.00
	4b. Property, homeowner's, or renter's insurance		4b. \$		0.00
	4c. Home maintenance, repair, and upkeep expenses		4c. \$		0.00
	4d. Homeowner's association or condominium dues		4d. \$		0.00
5.	Additional mortgage payments for your residence, such as hon	ne equity loans	5. \$	· · · · · · · · · · · · · · · · · · ·	0.00

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 10 of 11

Debt	or 1	Deborah	L McCallam		Case	numl	per (if known)	17-61800	
6.	Utilit	ies:							
	6a.	Electricity, I	neat, natural gas			6a.	\$	190.00	
	6b.	Water, sew	er, garbage collection			6b.	\$	0.00	
	6c.	Telephone,	cell phone, Internet, satelli	te, and cable services		6c.	\$	340.00	
	6d.	Other. Spec	cify: Propane Gas			6d.	\$	84.00	
7.	Food		keeping supplies			7.	\$	737.00	
8.	Child	dcare and ch	ildren's education costs			8.	\$	0.00	
9.	Cloth	ning, laundr	, and dry cleaning			9.	\$	25.00	
		•	oducts and services			10.		0.00	
			tal expenses			11.		0.00	
			nclude gas, maintenance, l	hus or train fare			·	0.00	
		ot include ca				12.	\$	750.00	
				pers, magazines, and books		13.	\$	50.00	
			butions and religious do	=		14.		0.00	
		rance.	. .				*		
-			urance deducted from you	r pay or included in lines 4 or 20	0.				
		Life insurar		. ,		15a.	\$	0.00	
	15b.	Health insu	rance			15b.	\$	0.00	
	15c.	Vehicle insu	ırance			15c.	\$	175.00	
	15d.	Other insur	ance. Specify:			15d.	·	0.00	
			· · · · —	our pay or included in lines 4 o			·	0.00	
	Spec		iddo taxoo doddotod iroini j	rour pay or moraded in intes 4 c	. 20.	16.	\$	0.00	
			ase payments:						
	17a.	Car payme	nts for Vehicle 1			17a.	\$	0.00	
	17b.	Car payme	nts for Vehicle 2			17b.	\$	0.00	
	17c.	Other. Spec	cify:			17c.	\$	0.00	
		Other. Spec				17d.	\$	0.00	
18.	Your	payments of	of alimony, maintenance,	and support that you did not	report as				
				<i>ile I, Your Income</i> (Official Fo		18.	· ·	0.00	
			you make to support other	ers who do not live with you.			\$	0.00	
	Spec	,				19.			
				d in lines 4 or 5 of this form o					
			on other property			20a.	·	0.00	
	20b.	Real estate	taxes		:	20b.	\$	0.00	
	20c.	Property, h	omeowner's, or renter's ins	urance		20c.	\$	0.00	
	20d.	Maintenand	e, repair, and upkeep expe	enses		20d.	\$	0.00	
	20e.	Homeowne	r's association or condomir	nium dues	;	20e.	\$	0.00	
21.	Othe	r: Specify:				21.	+\$	0.00	
22.	Calc	ulate vour m	onthly expenses						
		Add lines 4 t	, ,				\$	3.065.46	
				otor 2), if any, from Official Forn	n 106 L 2		· —	3,003.40	
			•	•	11 1003-2		*		
	22c.	Add line 22a	and 22b. The result is you	r monthly expenses.			\$	3,065.46	
23.	Calc	ulate your m	onthly net income.						
	23a.	Copy line 1	2 (your combined monthly	income) from Schedule I.	:	23a.	\$	3,224.87	
	23b.	Copy your i	monthly expenses from line	22c above.	:	23b.	-\$	3,065.46	
		0.14	41	41.1					
	23c.		ur monthly expenses from s your <i>monthly net income</i> .			23c.	\$	159.41	
	For ex modifi	kample, do you ication to the to		your expenses within the yer car loan within the year or do you				ase or decrease because of a	
	■ No	_							
	□ Ye	es.	Explain here:						

Case 17-61800 Doc 14 Filed 11/30/17 Entered 11/30/17 16:33:42 Desc Main Document Page 11 of 11

McCallam, Deborah - 17-61800

M&T BANK C/O SHAPIRO AND BROWN LLP 10021 BALLS FORD RD MANASSAS, VA 20109

NH UVA HEALTH SYSTEMS 501 SUNSET LANE CULPEPER, VA 22701